

STEPHEN SHIPP, )  
)  
Plaintiff, )  
)  
v. ) No. 4:07CV00735 ERW  
)  
LARRY ROWLEY, )  
)  
Defendant. )

This matter is before the Court for review of Shipp’s petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254.

Additionally, Shipp states that the appeal of his state post-conviction proceedings is pending before the Missouri Court of Appeals. Normally, a state prisoner must

exhaust available state remedies before bringing a habeas petition in federal Court.

Under 28 U.S.C. § 2254(b)(1):

An application for a writ of habeas corpus on behalf of a person in custody pursuant to the judgment of a State court shall not be granted unless it appears that--

(A) the applicant has exhausted the remedies available in the courts of the State; or

(B)(i) there is an absence of available State corrective process; or

(ii) circumstances exist that render such process ineffective to protect the rights of the applicant.

Because it appears from the face of the petition that Shipp has not exhausted available state remedies, the Court will order Shipp to show cause in writing why the petition should not be dismissed without prejudice.

Shipp shall file his response to this Order within 30 days. Failure to comply with this Order will result in the dismissal of the petition.

Accordingly,

**IT IS HEREBY ORDERED** that the Clerk of Court shall forward to petitioner, with a copy of this Order, the form for filing a “Petition Under 28 U.S.C. § 2254 for Writ of Habeas Corpus by a Person in State Custody.”

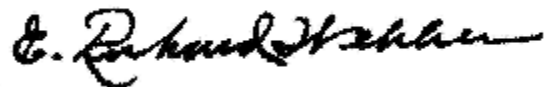
**IT IS FURTHER ORDERED** that petitioner shall complete the form and return it within 30 days from the date of this Order.

**IT IS FURTHER ORDERED** that Shipp shall show cause in writing, and no later than 30 days from the date of this Order, why the petition should not be dismissed without prejudice for failure to exhaust available state remedies.

**IT IS FURTHER ORDERED** that if petitioner fails to comply with this Order, the Court will dismiss the petition without prejudice.

**IT IS FURTHER ORDERED** that upon petitioner's filing of the form petition, the Clerk shall resubmit this matter to the Court for review pursuant to Rule 4 of the Rules Governing § 2254 Cases.

So Ordered this 2nd Day of May, 2007.

A handwritten signature in black ink, appearing to read "E. Richard Webber", written in a cursive style.

---

E. RICHARD WEBBER  
UNITED STATES DISTRICT JUDGE